

countries and the respective in-quota tariff-rate quota quantities of cheese, and (3) provide for an application period for such licenses.

2. The Import Regulation is amended to permit the European Community (EC) to endorse in writing eligible applicants for the increments in quantities of cheese subject to the in-quota tariff rate as provided for in the Uruguay Round Agreement.

3. The Import Regulation is also amended to ensure that the orderly marketing of trade in the United States is not disrupted for articles for which entry was attempted into the United States after January 1, 1995, without prior knowledge that an unlicensed article would be made subject to licensing as of January 1, 1995. This interim rule provides a very limited exclusion from license-size limitations for certain shipments which were denied entry into the United States by the U.S. Customs Service during a brief period the Department considers licensing to have been unanticipated. This exclusion applies only to that part of the in-quota tariff-rate quantity which had been unlicensed prior to January 1, 1995 and will be prorated among licensees as necessary.

An Advance Notice of Proposed Rulemaking (ANPR) was published in the **Federal Register** on June 2, 1994, seeking comments on methods for allocating articles that would be subject to the in-quota tariff rate proclaimed in the HTS on January 1, 1995, and suggestions on other changes intended to update and make more enforceable the provisions of the Import Regulation. A proposed rule embodying fundamental changes to the Import Regulation as envisaged in the ANPR will be published in the near future.

An interim rule was published in the **Federal Register** on January 6, 1995, which amended the Import Regulation to the extent necessary to implement the Uruguay Round commitments which became effective on January 1, 1995. The interim rule established an import licensing system for in-quota tariff-rate quota quantities of cheese and certain other non-cheese dairy products subject to in-quota tariff rates in the HTS. These quantities included both the quantities which were previously subject to absolute quotas under section 22 of the Agricultural Adjustment Act of 1933, as amended, and additional quantities of cheese and certain non-cheese dairy articles negotiated under the Uruguay Round of multilateral trade negotiations for those countries which implemented their Uruguay Round commitments on January 1, 1995. The interim rule provided for a 30-day public comment

period ending on February 21, 1995. Written comments were received from seven different entities.

In addition to amending the Import Regulation to implement the changes to the HTS effective on July 1, 1995, this interim rule amends the Import Regulation in accordance with certain comments on the interim rule published on January 6, 1995, recommending changes deemed both administratively possible or necessary to implement during the remainder of the 1995 quota year. Other comments on the January 6 interim rule will be considered for inclusion in the proposed rule as envisaged in the ANPR.

The comment reflected herein requested entry for that quantity of butter substitutes being detained which was previously subject to an unlicensed global quota. The interim rule provides for a very limited and strict license size exclusion to enter certain butter substitutes. Another comment recommended clarifying the minimum license size of supplementary quota shares and certain article descriptions in Appendix 1 and Appendix 2 of the interim rule. This interim rule makes these technical corrections.

**List of Subjects in 7 CFR Part 6**

Agricultural commodities, Cheese, Dairy products, Imports, and Reporting and record keeping requirements.

**Interim Rule**

**PART 6—[AMENDED]**

Accordingly, 7 CFR Part 6, Subpart—Tariff-Rate Quotas is amended as follows:

1. Section 6.25 is revised by revising the first sentence of paragraph (c)(2) to read as follows:

**§ 6.25 Eligibility.**

\* \* \* \* \*

(c) \* \* \* \* \*  
 (2) Notwithstanding paragraph (b)(4) of this section, certification required to establish supplementary eligibility for license for articles under Appendix 3 of this subpart must be postmarked no earlier than January 30, 1995 and no later than February 20, 1995 for those licenses issued for in-quota tariff-rate quota quantities which became effective on January 1, 1995, and no earlier than May 10, 1995 and no later than May 19, 1995 for those licenses that will be issued for in-quota tariff-rate quota quantities that will become effective on July 1, 1995. \* \* \* \* \*

\* \* \* \* \*  
 2. Section 6.26 is amended by revising the second sentence of paragraph (c)(3)(ii), revising paragraph (d)(2), and

revising paragraph (d)(3) (i) and (ii) to read as follows:

**§ 6.26 Allocation of annual quota and issuance of licenses.**

\* \* \* \* \*

(c) \* \* \* \* \*  
 (3) \* \* \* \* \*

(ii) \* \* \* \* \* If eligible applicants whose applications have been endorsed by the government of the supplying country as set forth in (c)(3)(i) of this section request an aggregate amount of a specific quota from a specific country (not the EC, except for those additional quantities of cheese made subject to the in-quota tariff rate in the Uruguay Round Agreement) smaller than is available for allocation, or if no endorsement is made, the Licensing Authority shall allocate remaining portions among applicants who have not been endorsed, following a procedure identical to that set forth in paragraph (c)(2) of this section for the EC, replacing, for this purpose, the words "the EC" wherever they appear with "a particular non-EC country".

\* \* \* \* \*

(d) \* \* \* \* \*

(2) The size of a supplementary quota share issued to an eligible applicant shall not exceed 57,000 kilograms, except that this maximum share provided for in (d)(ii) above shall not be applicable to that quantity of an in-quota tariff-rate quota which was not subject to licensing prior to January 1, 1995 when the import of such product was offered for entry and denied entry into the United States by U.S. Customs during January 1–3, 1995. Not later than June 1, 1995, an applicant must submit with its application, an invoice, bill of lading, and other relevant documentation to the Licensing Authority for his determination that there is sufficient documentary evidence that such import was offered for entry during January 1–3, 1995. If the Licensing Authority determines that a quantity greater than that available is requested by eligible applicants, the quantity available will be prorated among the licensees.

(3) \* \* \* \* \*

(i) 19,000 kilograms where the total amount available for allocation is 550,000 kilograms or less;

(ii) 38,000 kilograms where the total amount available for allocation is greater than 550,000 kilograms.

3. In Appendix 1, the article description for Edam and Gouda in Group II(a) and the article description for Italian-type cheese in Group IV(a) are revised as follows: